

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ISMAEL GARZA and
MARIO SAAVEDRA GARZA

VS.

ISAAC WILLIAM HOLTGRAVE
INDIVIDUALLY, and As Agent of
C.R. ENGLAND CO., and C.R.
ENGLAND CO.

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CIVIL NO. 7:20-cv-00428

DEFENDANT, HOLTGRAVE'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS:

Pursuant to 28 U.S.C. §§ 1332 and 1441(a), Defendant, **ISAAC WILLIAM HOLTGRAVE**, hereby removes this action to the United States District Court for the Southern District of Texas McAllen Division from the County Court at Law No. 8 of Hidalgo County, Texas, stating as follows:

1. Plaintiffs, Ismael Garza and Mario Saavedra Garza commenced this action in the County Court at Law No. 8 of Hidalgo County, Texas, where it was given Cause No. CL-20-1341-H. This action is between citizens of different states. Plaintiff is a resident of Texas. Defendant, Isaac Holtgrave is a resident of Marion County, Indiana. Plaintiff and Defendants are citizens of different states, none of the Defendants are citizens of Texas, and the proper parties are totally diverse from Plaintiffs. Plaintiffs have named but not served Defendant, C.R. England, Inc. which is an out of state Defendant therefore consent is not required.

2. Defendant, Isaac Holtgrave received the summons and complaint on March 23, 2020, by way of Personal services. Initially Plaintiffs' claims were for less than \$75,000. Therefore, removal was not appropriate. On November 30, 2020 Plaintiffs answered Holtgrave's Request for Admissions and admitted in response to Request for Admission #4 that the amount in controversy is greater than \$75,000.00 thus making the case

removeable to Federal Court. See Exhibit B. such removal is within 12 months of the filing of the case.

3. Defendant, C.R. England, Inc. have not been served and is a corporation with its principal place of business in Salt Lake, Utah.


4. A copy of all process, pleadings, and orders served upon Defendant, Isaac Holtgrave are attached as Exhibit A.

5. Defendant will provide written notice of this Notice of Removal to all adverse parties and will file a copy with the Clerk of the County Court at Law No. 8 of Hidalgo County, Texas.

6. Defendant consents to this removal.

Dated: **December 21**, 2020

Respectfully submitted,



LARRY D. WARREN
ATTORNEY IN CHARGE
State Bar No. 20888450
FBN: 13339
**ATTORNEY FOR DEFENDANT,
ISAAC HOLTGRAVE**

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of **December 2020**, the foregoing document, was filed with the Clerk of Court using the CM/ECF system, and was served on counsel via **E-mail**:

Leo Pruneda
State Bar No. 16373400
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LARRY D. WARREN